

REMARKS

Claim 1 is amended to overcome the rejection under 35 U.S.C. § 112, first paragraph, as discussed below. Certain ones of the dependent claims are amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. New Claim 27 is added to further define the subject matter considered patentable by the Applicant. Claims 1-3, 5-19, and 22-27 remain in this application, with Claims 3, 5, 11, 13-17, and 22-25 withdrawn from further consideration.

Considering first the rejection of claims under 35 U.S.C. 112, second paragraph, Claims 2, 8, 9, and 12 are amended to delete "path-dependent signal". Claim 7 is amended to remove reference to "the load-bearing parallelogram". Claim 8 is amended to identify the drum with the indefinite article. As amended herein, those Claims are believed to comply with the second paragraph of 35 U.S.C. § 112.

The specification is objected to under the first paragraph of 35 U.S.C. § 112 as failing to provide an adequate description of the claimed invention. Acting on this rejection, the undersigned on January 22, 2004 conducted a telephone interview with Examiner Brahan, for which the undersigned thanks the Examiner. During that interview, as in the last Office Action, the Examiner questioned how sensing angular rotation of the drive shaft could produce information relating to a path of movement, rather than displacement along a path. Based on that understanding of the Examiner's objection, Claim 1 is here amended to recite a device for generating a signal (S) "which contains information relating to movement along the path cover...". New Claim 27 contains similar wording.

The Examiner's objection to the specification also questions how the path-related signal can be correlated with an initial path movement. Because the claims are clarified to recite that the signal contains information relating to movement along the path covered during an initial course of a substantially vertical movement of the load, the Applicant submits that the objection becomes moot. Likewise, the deflecting disk and incremental encoder generate the control signal by producing a signal (S) corresponding to movement along the path. That signal is combined with the set-point of desired value (W) to produce the regulating signal, as discussed on page 6 of the specification.

With the foregoing description and amendments to the claims, the undersigned respectfully submits that the objection to the specification and rejection of claims under 35 U.S.C. § 112, first paragraph have been overcome and should be withdrawn.

The last Office Action did not include a rejection based on prior art, although stating that such was not an indication all allowable subject matter. During the telephone interview mentioned above, the Examiner called attention to *Motoda* (3,945,612) and *Kornely* (4,807,767). The undersigned has reviewed those references and offers the following comments thereon.

Motoda describes a lifting apparatus in which a balancing signal S is produced dependent on the weight of the load, column 2, lines 5-8 and 42-44. The present system, in contrast with *Motoda*, discloses and claims a combination including a device for generating a signal relating to movement along the path during an initial course of substantially vertical movement of the load-bearing element. This movement-related signal is compared to a desired value (W) signal to produce load balancing in response to

0 deviation of the signals S from W. Thus, in the Applicant's system load balancing is obtained in response to movement along the path, instead of the weight of a load.

Kornely discloses a self-balancing electric hoist relying on a so-called non-reversing transmission to hold the load during static periods. This transmission is of the kind relying on a high amount of sliding friction between driving and driven members to hold the load when power is moved from the motor. The result is that the non-reversing transmission, *rather than the motor windings*, hold the load during static periods. The only time the motor is energized in *Kornely* is when the drum or jack is being driven up or down. Please see column 5, lines 10-19. *Kornely* thus does not disclose any self-balancing system similar to that disclosed and claimed by present Applicant.

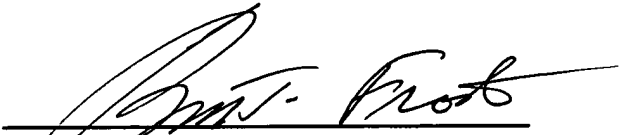
Concerning Claims 11, 16, and 17, each previously drawn in response to the restriction and election requirements, the Applicant respectfully requests reconsideration of the decision to withdraw those claims. All three claims depend from Claim 10, presently under consideration. Claim 11 further defines the handling the device 10 and the device 15 for generating the force-dependent signals. Claim 16 adds the safety controller having the sensor 18 and switching member 19, and Claim 17 adds the safety controller. Each of those claims thus further defines and narrows the system recited independent Claim 10 and including the common use of the signal S and related elements 13, 2, 11 in different controllers of the load-lifting apparatus 1. According, the Applicant respectfully submits that Claims 11, 16, and 17 can be properly be considered in the present application without undue fragmentation of possible patent right pertaining to the present invention.

The foregoing is submitted as a complete response to the Office Action identified above. This application is believed to be in condition for allowance and a notice to that effect is solicited.

Respectfully submitted,

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